

Remarks:

Claim amendments:

Claim 1 has been amended to recite “a solution consisting of aqueous solvent, guanidinium and sulfite ions.” Support for this amendment is found in the specification, see e.g. p. 5, lines 16-18. No new matter has been added by the amendment and entry of the amendment is respectfully requested.

Claim rejections under 35 U.S.C. §112 (second paragraph)

Claims 1-8 were rejected as indefinite. The rejection is obviated by the amendment.

With respect to claim 1, the examiner correctly pointed out that a solution may not “consist of” guanidinium ions and sulfite ions without any solvent. Claim 1 has been amended to recite that the solution consists of the ions and the solvent, as described in the specification.

In view of the foregoing, the §112 rejection no longer applies to the amended claim 1. The remaining claims 2-8 depend upon claim 1. The dependent claims received no separate rejections. Therefore withdrawal of the §112 rejections of dependent claims is also respectfully requested.

Claim rejections under 35 U.S.C. §102

Claims 1-8 were rejected under §102(e) over Zon, U.S. Patent Application Publication No. 2005/0095623. The rejection is obviated by the amendment.

To anticipate a claim under §102, the prior art must teach every element of the claim. See MPEP 2131. Zon does not teach at least one limitation of the amended claim 1. Specifically, the claim now recites “solution *consisting of* aqueous solvent, guanidinium and sulfite ions.” The solution in Zon contains more than just aqueous solvent, guanidinium and sulfite ions. As is explained in Zon, p. 1, paragraphs [0008]-[0012], the solution contains a bisulfite salt with a cation “X” or cation “Y.” X and Y can be metals, ammonium or tetra-alkyl-ammonium, but NOT guanidinium. The examiner correctly pointed out that guanidinium may optionally be present in the Zon reaction. However, guanidinium is added only as a catalyst, see Zon, p. 1, paragraph [0008]. Therefore the Zon solution contains a solvent, guanidinium, sulfite AND

some other cation. Zon does not teach a "solution *consisting of* aqueous solvent, guanidinium and sulfite ions."

Because Zon is lacking at least one element of claim 1, the §102 rejection over Zon may not be sustained. Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

The remaining claims 2-8 depend upon claim 1 and therefore incorporate all the limitations of that claim. Therefore a rejection over Zon may no longer be applied to dependent claims. Withdrawal of the rejections of the dependent claims is also respectfully requested.


Conclusion:

In view of the above, applicants believe that all claims now pending in this application are in condition for allowance. Applicants hereby request a one-month extension of time to respond to the Office Action and the Commissioner is hereby authorized to charge the requisite fee to Deposit Account No. 50-0812. The applicants also submit a Request for Continued Examination and the Commissioner is authorized to charge the requisite fee. The Commissioner is further authorized to charge any fee deficiency, or credit any overpayment to the same account.

If the examiner believes that a telephone conference would expedite prosecution of this application, the examiner is invited to call the undersigned directly at the number below.

Respectfully submitted,

Date: July 14, 2008



Olga Kay (Reg. No. 57,459)

Roche Molecular Systems, Inc.
4300 Hacienda Drive
Pleasanton, CA 94588
Tel: (925) 730-8567
Fax: (925) 225-1128